EXHIBIT 2

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9   UNITED STATES DISTRICT COURT

10   NORTHERN DISTRICT OF CALIFORNIA

11   SAN JOSE DIVISION

12 CISCO SYSTEMS, INC.,   Case No. 5:14-cv-05344-BLF (PSG)

13   Plaintiff,   **DEFENDANT ARISTA NETWORKS,
                                            INC.'S SECOND SUPPLEMENTAL
14   v.   RESPONSES TO PLAINTIFF CISCO
                                            SYSTEM INC.'S FIRST SET OF
15 ARISTA NETWORKS, INC.,   INTERROGATORIES
                                            (NOS. 1, 5, 6, 9, 10, 12, 13)**
16   Defendant.

17
                                            Judge: Hon. Beth Labson Freeman
18
                                            Date Filed: December 5, 2014
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21
                    **CONTAINS CONFIDENTIAL INFORMATION
22   SUBJECT TO PROTECTIVE ORDER**

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DEFENDANT ARISTA NETWORKS, INC.'S SECOND SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES (NOS. 1, 5, 6, 9, 10, 12, 13)
CASE NO. 5:14-CV-05344-BLF (PSG)

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INTERROGATORY NO. 6:

Identify each command in EOS CLI that is identical to a command in Cisco IOS CLI.

RESPONSE TO INTERROGATORY NO. 6:

Arista incorporates its General Objections above as though set forth in this response. Arista objects to this interrogatory to the extent it seeks information that is already in the possession, custody, or control of Cisco, or that is publicly available. Arista also objects to this interrogatory as vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Arista further objects to this interrogatory as premature given that discovery in this action has only recently begun, and Arista's investigation in this matter is ongoing.

Subject to and without waiving the foregoing general and specific objections, Arista responds as follows:

Arista's switches are configured and monitored using well-known "industry standard" CLI commands. Some of the commands are also used by Cisco. Until December 2014, when it filed this action, Cisco never suggested that it claimed copyright protection in commands that it and most of the industry uses.

Arista's investigation is ongoing. Arista reserves the right to supplement and/or amend this response with additional information.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

Arista incorporates its General Objections above as though set forth in this response. Arista objects to this interrogatory to the extent it seeks information that is already in the

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1   possession, custody, or control of Cisco, or that is publicly available. Arista also objects to this

2   interrogatory as vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated

3   to lead to the discovery of admissible evidence. For example, Cisco has not defined what the

4   term "identical" means as used in this interrogatory, and it is unclear to Arista how two different

5   CLI commands supported by two different vendor operating systems could be "identical" when

6   the commands have, for example, different command parameters and prefixes, are implemented

7   using different source code written in different languages, and/or support different equipment

8   having different features and functionality.

9   Moreover, this interrogatory on its face purports to encompass all EOS CLI commands,

10   regardless of whether such commands have been identified and/or accused it in this litigation.

11   There are thousands of CLI commands supported by EOS that have not been accused by Cisco,

12   and it would be overbroad, unduly burdensome, oppressive, and not reasonably calculated to lead

13   to the discovery of admissible evidence for Arista to analyze thousands of non-accused CLI

14   commands and thousands of IOS CLI commands to respond to this interrogatory. Furthermore, it

15   is Cisco's burden—not Arista's—to investigate the merits of Cisco's copyright claims.

16   Arista further objects to this interrogatory as premature given that Cisco only recently

17   supplemented its interrogatory responses with respect to its copyright claims (many of which

18   remain deficient), and Arista's investigation in this matter is ongoing. In addition, Cisco has

19   refused to narrow its copyright assertions and continues to accuse over 500 different CLI

20   commands of copyright infringement. If Cisco insists on accusing over 500 different CLI

21   commands in this litigation, it must provide a reasonable amount of time for Arista to investigate

22   and provide responses to discovery relating to those hundreds of commands.

23   Subject to and without waiving the foregoing general and specific objections, Arista

24   supplements its response as follows:

25   Arista's switches are configured and monitored using well-known "industry standard"

26   CLI commands. Some of the commands are also used by Cisco. Until December 2014, when it

27   filed this action, Cisco never suggested that it claimed copyright protection in commands that it

28   and most of the industry uses. Based upon Arista's investigation to date, which is ongoing, none

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1   of the CLI commands accused by Cisco of copyright infringement in this lawsuit is identical to a

2   command in Cisco IOS CLI. For example, the accused CLI commands supported by EOS differ

3   in syntax from commands supported by Cisco IOS, and may use different command prefixes

4   (*e.g.*, EOS CLI command reference guides show "no" and "default" as separate command

5   prefixes for many commands, while IOS CLI command reference guides may not) and/or use an

6   entirely different set of command parameters (*e.g.*, compare "clear ip bgp [*ACTION*]

7   [*RESET_TYPE*] [*DATA_FLOW*] [*VRF_INSTANCE*]" in EOS with "clear ip bgp {* | all |

8   *autonomous-system-number* | *neighbor-address* | peer-group *group-name*} [in [prefix-filter] | out |

9   slow | soft [in [prefix-filter] / out | slow]]" in IOS). These syntax differences between EOS and

10   IOS commands are shown in the respective command reference manuals for EOS and IOS, and

11   often reflect differences in functionality between vendor equipment (*e.g.*, the "clear ip bpg"

12   example above includes a "slow" parameter in the IOS command syntax which, per Cisco's

13   command reference manual, "[c]lears slow-peer status forcefully and moves it to original update

14   group"; the "clear ip bpg" EOS command syntax example does not have a parameter that triggers

15   that function). Furthermore, the source code for parsing the command, the source code for

16   implementing the command's underlying functionality, and programming language(s) underlying

17   each accused EOS CLI command is different from the source code and programming language(s)

18   used to parse and implement each IOS CLI command. For at least these reasons, none of the

19   accused commands in EOS CLI is identical to a command in Cisco IOS CLI.

20   Arista's analysis of the over 500 accused CLI commands is ongoing. Arista will further

21   supplement this interrogatory response, if appropriate, before the close of fact discovery.

22   **INTERROGATORY NO. 9:**

23   Describe in detail the development history for every version of the Accused Products,

24   including the identity of all Persons involved in the creation, development, or maintenance of the

25   Accused Products.

26   **RESPONSE TO INTERROGATORY NO. 9:**

27   Arista incorporates its General Objections above as though set forth in this response. .

28   Arista objects to this interrogatory as overbroad, unduly burdensome, and not reasonably

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1   calculated to lead to the discovery of admissible evidence. The request appears to ask Arista to

2   identify every person who has ever been involved "in the creation, development, or maintenance"

3   of the Accused Products, where "Accused Product" is defined as "Accused '526 Product(s),

4   Accused '886 Product(s), EOS, EOS CLI, EOS Documentation, and EOS Product(s)." Most of

5   this information would be irrelevant and not reasonably calculated to lead to the discovery of

6   admissible evidence. Accordingly, it is unreasonable and unduly burdensome to ask Arista to

7   collect this information. Arista further objects to this interrogatory as vague and ambiguous,

8   including by its use of the phrase "development history", "Accused Product", "creation",

9   "development" and "maintenance". Arista also objects to this interrogatory to the extent that it

10   attempts or purports to require disclosure of information and/or documents containing

11   proprietary, confidential, and/or private information. Finally, Arista objects to this interrogatory

12   as premature given that discovery in this action has only recently begun, and Arista's

13   investigation in this matter is ongoing.

14   Without waiving any of the general and specific objections stated above, but specifically

15   subject to them, Arista responds that it is willing to meet and confer with Cisco to determine the

16   relevance and appropriate scope of this interrogatory, if any.

17   **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

18   Arista incorporates its General Objections above as though set forth in this response.

19   Arista objects to this interrogatory as overbroad, unduly burdensome, and not reasonably

20   calculated to lead to the discovery of admissible evidence. The request appears to ask Arista to

21   identify every person who has ever been involved "in the creation, development, or maintenance"

22   of the Accused Products, where "Accused Product" is defined as "Accused '526 Product(s),

23   Accused '886 Product(s), EOS, EOS CLI, EOS Documentation, and EOS Product(s)." Most of

24   this information would be irrelevant and not reasonably calculated to lead to the discovery of

25   admissible evidence. Accordingly, it is unreasonable and unduly burdensome to ask Arista to

26   collect this information. Arista further objects to this interrogatory as vague and ambiguous,

27   including by its use of the phrase "development history", "Accused Product", "creation",

28   "development" and "maintenance". Arista also objects to this interrogatory to the extent that it

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1 attempts or purports to require disclosure of information and/or documents containing

2 proprietary, confidential, and/or private information. Finally, Arista objects to this interrogatory

3 as premature given that discovery in this action has only recently begun, and Arista's

4 investigation in this matter is ongoing.

5   Subject to and without waiving the foregoing general and specific objections, Arista

6 responds as follows:

7   Arista is an American success story. At the time of its founding in 2004, the data center

8 switching market was at a crossroads. Cisco had achieved market dominance in data-center

9 switching with almost 80 percent market share. Cisco's products, however, were based on 1990's

10 architectures that were ill-suited to address the requirements of large-scale Internet companies

11 and cloud services providers that were becoming the economic engine of the new economy.

12 Arista's founders focused Arista's efforts on the development of a new kind of network switch

13 software that was fully programmable, highly modular, and based on open standards.

14   Arista started from a clean sheet of paper and invested over 1,000 person-years building a

15 new, open software architecture that was the antithesis of the traditional closed, proprietary

16 system used by legacy vendors such as Cisco. The result was Arista's Extensible Operating

17 System ("EOS"), the most programmable and resilient network operating system in the industry.

18 In 2008, Arista started shipping its first switch product implementing its award winning EOS,

19 which powers every single Arista product today.

20   Headquartered in Santa Clara, California, Arista now employs over 750 people in the

21 United States and provides its solutions to over 3,000 customers. The following individuals,

22 among other Arista employees, were involved in the creation, development, or maintenance of

23 Arista's products: Andy Bechtolsheim; Kenneth Duda; Anshul Sadana; Jeff Raymond; Hugh

24 Holbrook; Christophe Metivier; Jeffrey Hirschman; Adam Sweeney; Andre Pech; Gagnan

25 Arneja; Mansour Karam; and Benoit Sigoure.

26 **INTERROGATORY NO. 10:**

27   Explain in detail all factual and legal bases for any contention by You that You have not

28 infringed Cisco's copyrights in Cisco IOS, including Cisco IOS CLI, and Cisco IOS

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1 Federal Rule of Civil Procedure 26(a)(2), and to the extent it prematurely calls for a legal

2 conclusion. Arista further objects to this interrogatory as premature given that Cisco only

3 recently supplemented its interrogatory responses with respect to its copyright claims (many of

4 which remain deficient), and Arista's investigation in this matter is ongoing. In addition, Cisco

5 has refused to narrow its copyright assertions and continues to accuse over 500 different CLI

6 commands of copyright infringement. If Cisco insists on accusing over 500 different CLI

7 commands in this litigation, it must provide a reasonable amount of time for Arista to investigate

8 and provide responses to discovery relating to those hundreds of commands.

9   Subject to and without waiving the foregoing general and specific objections, Arista

10 responds as follows:

11   Cisco's claims are barred in whole or in part by *scenes a faire*, the merger doctrine, and/or

12 other limits on the scope of protection available for the works at issue. Arista also incorporates

13 by reference its responses to Interrogatory Nos. 10 and 12 as though fully set forth in this

14 response.

15   Fact discovery is ongoing and Arista is continuing to investigate and analyze the facts

16 relating to this interrogatory. Additionally, Cisco has not yet provided creation, fixation, and

17 authorship information regarding its copyright assertions for each of the CLI commands,

18 command hierarchies, command modes, and command responses. Arista will continue to amend

19 and supplement its response as appropriate.

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22 Dated: September 18, 2015   KEKER & VAN NEST LLP

23
                                                By: /s/ *Elizabeth K. McCloskey*
24   ELIZABETH K. McCLOSKEY

25   Attorneys for Defendant ARISTA
                                                      NETWORKS, INC.,
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PROOF OF SERVICE

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I am employed in the City and County of San Francisco, State of California in the office of a

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member of the bar of this court at whose direction the following service was made. I am over the

age of eighteen years and not a party to the within action. My business address is Keker & Van

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Nest LLP, 633 Battery Street, San Francisco, CA 94111-1809.

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On September 18, 2015, I served the following document(s):

6

**DEFENDANT ARISTA NETWORKS, INC.'S SECOND SUPPLEMENTAL RESPONSES
TO PLAINTIFF CISCO SYSTEM INC.'S FIRST SET OF INTERROGATORIES**

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(NOS. 1, 5, 6, 9, 10, 12, 13)

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☑   by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy
scanned into an electronic file in Adobe "pdf" format. The transmission was reported as

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complete and without error.

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2   Executed on September 18, 2015, at San Francisco, California.

3   I declare under penalty of perjury under the laws of the State of California that the above is true

4   and correct.

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6   /s/ Patty Lemos
                                                         PATTY LEMOS

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DEFENDANT ARISTA NETWORKS, INC.'S SECOND SUPPLEMENTAL RESPONSES TO
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